

# EXHIBIT 17

**Snow, Max**

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**From:** Fowler, Sarah (Perkins Coie) <SFowler@perkinscoie.com>  
**Sent:** Friday, September 11, 2020 12:06 PM  
**To:** upendra@upendrapatelandassociates.com; Sklar, Steven; Airan, David; Kopinski, Nicole; Snow, Max  
**Cc:** Wikberg, Terrence (Perkins Coie); Simpson, Amy (Perkins Coie); Patariu, Kevin (Perkins Coie); Umberger, Michelle M. (Perkins Coie); Bina, Gabrielle E. (Perkins Coie)  
**Subject:** Carnegie Institution of Washington and M7D Corporation v. Fenix Diamonds LLC, Case No. 20-cv-200-JSR (S.D.N.Y.)

**Categories:** external

Mr. Patel and Fenix counsel,

We understand that the Indian High Court has authorized oral testimony in this matter. In lieu of formally proceeding under the Court's coming order, Plaintiffs suggest a seven-hour remote deposition (with translator) to occur in the coming two weeks, primarily to establish (a) the authenticity and admissibility of the material (including source code) previously made available by Nouveau, and (b) the representativeness of that material of Nouveau's processes.

If Nouveau will agree to this procedure, and if Fenix will not object to the use of that deposition testimony at trial in this matter, Plaintiffs can agree to withdraw the Indian proceeding against Nouveau (and any appeal thereof) and can decline Nouveau's offer of inspection. Otherwise, Plaintiffs' representative intends to perform the proposed inspection next week and obtain the court's ordered oral testimony as soon as possible. Please let us know which date among September 15-17 Nouveau would like to proceed with the inspection; Plaintiffs will agree in principle to the inspection protocols Nouveau proposed.

Best,  
Sarah

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